

Existing Conservation Efforts in Idaho

2007 Update:

Conservation easements are becoming more popular across the nation and in Idaho. Idaho's marked increase is indicative that conservation easements are gaining traction in the state. The State's decade long growth boom directly contributed to increased land conservation efforts, as development pressures increase, so too does the push for land conservation by communities, individuals and foundations.

There are currently at least 15 local Land Trust organizations working in Idaho and an additional 9 National organizations working within the state. These non-profit groups strive to protect open space and working landscapes through acquisitions, gifts, exchanges and conservation easements; while conserving land for watershed protection, wildlife habitat, scenic beauty and other public values.

The National Land Trust Census report of Nov. 30, 2006 showed the following national findings:

- Total acreage conserved through private means is 37 million acres, a 54% increase from 24 million acres in 2000.
- The pace of private land conservation has tripled by local and state land trusts and now averages 1,166,697 acres per year.
- There are currently 1,667 land trusts, up from 1,263 in 2000.

Idaho has also seen a substantial increase in Land Trust activity. The National Land Trust Census report showed the following data:

- 4,127 Acres owned by Land Trusts
- 29,987 Acres under Conservation Easement
- 24,792 Acres acquired and re-conveyed and conserved by other means
- 58,906 Total acres conserved

A factor in this surge in private land conservation is the availability of tax incentives. Signed by the president on 8/17/06, the new law increases the federal tax incentive for donations of conservation easements. This change brings increased fairness to the tax code and helps willing land owners who own environmentally valuable land and have modest incomes. Unfortunately, the new law is scheduled to expire 12/31/07 unless made permanent by Congress.

The 2007 Idaho Legislature will consider a bill with tax incentives for private land conservation. If signed into law, ***The Ranch, Farm and Forest Protection Act*** would:

- 1) Provide state income tax credits to willing landowners who make a qualifying conservation contribution,
- 2) Allow recipients to sell tax credits to willing buyers,
- 3) Focus the allocation of tax credits on working lands that provide important benefits to fish and wildlife,
- 4) Create sufficient oversight to ensure effective use of tax credits and safeguard against abuse, and

- 5) Provide sufficient incentive while minimizing the impact to the state government.

On the federal level, bills will be presented to Congress in 2007 for two, new federally designated Wilderness Area's in Idaho totaling 836,900 acres.

There are a number of existing efforts that seek to protect either environmentally important forested lands in Idaho or the values associated with such lands. The efforts take two basic forms - "regulatory programs", with an objective of protecting such values as fish or water quality while allowing continued resource management and "protection programs", wherein specific activities on specific areas of land are prohibited or tightly controlled. Existing conservation programs also can be classified into publicly supported programs (both state and federal) and privately funded or administered efforts.

Publicly Supported Programs

Idaho Forest Practices Act—In existence since 1974, the Idaho Forest Practices Act rules represent common sense actions necessary to protect fish and water quality, particularly, from negative impacts from forest management. The rules are mandatory and enforced by the Bureau of Forestry Assistance within the Idaho Department of Lands.

The Forest Practices Act is also an extension of the federal "Clean Water Act" and represents Idaho's implementation of this law as it relates to forest management. As a result, the forest practice rules must be sufficiently stringent to meet approved water quality standards. For example, there are standards for stream temperature that are mandated by the federal law and which Idaho must meet. As streams flow through forested lands, the Idaho Forest Practice Act rules require that enough streamside shade and large trees be left to prevent undue warming of the water. When water quality standards are not met, then federal law requires that a "total maximum daily load" be developed to reduce pollutants within the watershed so that, once again, standards are achieved. In addition, every four years, Idaho's Forest Practice Act rules are "audited" in the field to make sure they are applied and effective. The quadrennial audits have resulted in a number of changes to strengthen the rules.

Other Forest Management Programs—In addition to administering the Forest Practices Act, the Idaho Department of Lands, with the cooperation of the Forest Service's State and Private Forestry branch, offers additional technical help and financial incentives to nonindustrial landowners. These include: the Forest Resource Management Program (technical assistance to landowners), the Forest Stewardship Program (technical and financial assistance for private land management), and, the Stewardship Incentive Program (technical and financial assistance for multi-resource forest practices).

Conservation Tax Incentives—Several years ago, the Idaho Legislature adopted a tax credit of up to \$2,000 per landowner per year for expenses related to complying with a TMDL or enhancing the habitat for endangered, threatened or candidate species. Such practices might include fencing riparian areas in spawning areas for bull trout or salmon. The Idaho Soil Conservation Commission administers the act.

County Subdivision Limitations—Some counties have adopted ordinances that limit the ability of “casual” divisions of rural property. Those counties with such requirements will not issue building permits for parcels of land below certain sizes that were sold from larger parcels subsequent to the passage of the law unless those lands are to be developed as a fully platted and improved subdivision.

Property Tax Treatments—Rural landowners may opt for various land classifications that allow for lower taxes than if their lands were taxed at “highest and best use”. For timberland owners, there is the option of having property taxes based on the land’s capability of producing crops of timber or at an even lower rate with a yield tax collected at the time of timber harvest. Landowners who have lands with scattered trees and who use that land for livestock grazing may opt for the “dryland grazing” tax category. So long as the land use does not change, the land is taxed at the lower rates offered by these options, despite the inherent value of the land for some type of development.

Conservation Reserve Program—Created at the federal level, the Natural Resource Conservation Service and Farm Service Agency administers the “conservation reserve program”. The CRP is a voluntary program that offers annual rental payments, incentive payments for certain activities, and cost-share assistance to establish approved cover on eligible cropland. The program encourages farmers to plant long-term resource-conserving covers to improve soil, water, and wildlife resources. While this is primarily an “ag lands” oriented program, it is not uncommon for the lands enrolled in it to be planted in trees, thereby helping establish more forest lands in the state.

Other USDA “Agricultural” Programs—Like those programs directed toward private forest landowners, other branches of the Department of Agriculture offer programs that are generally directed toward the owners of agricultural lands. However, those lands often include areas with trees and vegetative cover that would be eligible for inclusion in Idaho’s Forest Legacy Program. These programs include (in addition to the CRP), the “Environmental Quality Incentives Program (EQIP) designed to protect water quality and provides cost-share assistance to landowners who plant trees and implement other forest management practices.

North American Wetlands Conservation Act (NAWCA)—This federal act provides funds to regional “joint venture” organizations that provides and administers grants for various wetland projects. In north Idaho, Ducks Unlimited, The Nature Conservancy, Idaho Department of Fish and Game and the Kootenai Tribe was awarded a \$1 million grant for wetland protection in the Kootenai River Valley, that includes conservation easements as well as land acquisition and restoration projects.

In addition to the Idaho Department of Lands, which has most of the statutory authority for administering programs that assist private forest landowners, other state and federal agencies play important roles in administering the programs described above.

U.S. Fish and Wildlife Service—In addition to administering the National Wildlife Refuge System and other wildlife lands, the USFWS administers the Endangered Species Act as it pertains to resident fish and wildlife. The USFWS reviews and comments on land use activities

that affect fish and wildlife resources, such as timber harvest rules, stream alteration proposals, dredging and filling in wetlands and hydroelectric projects.

USDA Natural Resources Conservation Service (NRCS)—Provides products and services that enable people to be good stewards of the Nation’s soil, water, and related natural resources on non-Federal lands. With NRCS help, people are better able to conserve, maintain, or improve their natural resources. As a result of technical and financial assistance, land managers and communities take a comprehensive approach to the use and protection of natural resources in rural, suburban, urban, and developing areas. As a partner with the local Soil and Water Conservation District, NRCS is able to address local resources issues through its many services.

NRCS staff works directly with farmers, ranchers, and others, to provide technical and financial conservation assistance. Guiding principles are service, partnership, and technical excellence. NRCS helps landowners develop conservation plans and provides advice on the design, layout, construction, management, operation, maintenance, and evaluation of the recommended, voluntary conservation practices.

Individual Soil & Water Conservation Districts—In Idaho, the state’s 51 conservation districts are a unique subdivision of state government that promote clean water, productive soils and a healthy environment by assisting rural landowners with conservation projects. Districts conduct projects that demonstrate NPS pollution control practices, preferring voluntary, educational, and incentive-based approaches over regulatory approaches. Additionally, district boards work with state and federal regulatory agencies (for the most part, the Idaho Department of Environmental Quality and the U.S. Environmental Protection Agency) to identify problem areas and prioritize treatment. Conservation districts often draw people and resources together to catalyze or assist in the development of watershed planning efforts. Conservation districts sponsor many stream restoration projects, conduct landowner workshops, produce and distribute informational and educational materials, and hold demonstrations and tours of innovative riparian management techniques and projects.

Resource Conservation & Development (RC&D) is a USDA program administered by the Natural Resources Conservation Service. The purpose of the RC&D program is to accelerate the conservation, development and utilization of natural resources, improve the general level of economic activity, and to enhance the environment and standard of living in designated areas. RC&D areas, which are locally sponsored and directed by a non-profit Council, are designated by the Secretary of Agriculture for technical and financial assistance program funds.

Privately Supported Programs

Private and Non-Profit Organizations—The Nature Conservancy, Trust for Public Lands, the Conservation Fund and numerous smaller land trusts are qualified under Idaho law to hold perpetual conservation easements for the purpose of protecting various environmental values. These same entities can also purchase land for conservation purposes and complete habitat restoration projects.

The Trust for Public Land (TPL) is a non-profit land conservation organization that works to protect land for human well being and enjoyment, and to improve the quality of life in American

communities. Founded in 1972, TPL's legal, real estate and financial specialists work with landowners, community groups, local businesses and government agencies to conserve land for watershed protection, scenic beauty and open space, recreation, habitat and a host of other public values. TPL has completed over 20 projects in Idaho – primarily focused on wildlife and fisheries habitat, Wild and Scenic River inholdings, historic ranches, and key inholdings in the National Forests. Major TPL programs in Idaho include:

Wild & Scenic Rivers – TPL is working to identify and protect those private lands located within and proximal to designated Wild and Scenic Rivers that contain high conservation values which are at risk.

- **Forestland Protection** – TPL is working to acquire lands or easements on forestlands with significant public conservation and recreation values. These easements remove the development rights, allowing the forestlands to stay in production and private ownership.
- **Lewis and Clark and Nez Perce Trails** – TPL is actively working with partners to identify and protect private lands along designated National Historic Trails that contain high conservation values and are threatened with development.
- **Working Landscapes** – In addition to helping protect public open space, TPL also works with individual landowners to protect working landscapes, including agriculture lands such as farms, ranches and orchards; forestlands and woodlots.
- **Boise Foothills** – In partnership with the City of Boise and community supporters, TPL helped put a \$10 million open space levy on the ballot for the surrounding 100,000 acre-Boise foothills. Voters approved the measure.

The Nature Conservancy began in 1951 and has since become the world's leading private international conservation organization in terms of number of members, dollars raised, and acres protected. The mission of The Nature Conservancy is to "preserve plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive." The Idaho chapter is the largest conservation organization in the state. It has conserved over 220,000 acres and manages 22 preserves. The Conservancy protects land through acquisition, gifts, exchanges, conservation easements, management agreements and partnerships. The Nature Conservancy works with a variety of partners to accomplish conservation including farmers, ranchers, businesses, community leaders, government agencies and other conservation organizations and pays taxes on all the land it owns.

Figure 20 illustrates the success of various land protection efforts in Idaho. This map, provided by The Nature Conservancy, shows in bright yellow the areas of private and federal lands, plus stream systems that are essentially protected from most development. These include parks, recreational areas, wild and scenic rivers and various other land classifications.

Implications for the Forest Legacy Program

Given the number of agencies and programs directed toward the private forest landowner in Idaho, one might be tempted to question the need for the Forest Legacy Program. It is important to note that the Forest Legacy Program offers a solely unique incentive to landowners - a way for them to capture the value of their lands for development while still maintaining their lands as forests. With this assurance, then landowners are well positioned and should be encouraged to take advantage of other programs that will help them better manage their forestlands.

Figure 18.
**Ownership & Managed
 Areas in Idaho 1999**

